United Nations A/HRC/31/NGO/228

General Assembly

Distr.: General
26 February 2016

English only

Human Rights Council
Thirty-first session
Agenda items 3 and 4
Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Human rights situations that require the Council's attention

Written statement* submitted by International-Lawyers.Org, the Arab Organization for Human Rights, the General Arab Women Federation, the Indian Movement "Tupaj Amaru", the International Organization for the Elimination of All Forms of Racial Discrimination, the Organisation Mondiale des associations pour l'éducation prénatale, the Union of Arab Jurists, non-governmental organizations in special consultative status, International Educational Development, Inc., the World Peace Council, non-governmental organizations on the roster, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[17 February 2016]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.16-03078(E)

Please recycle

IRAQ: Increasing human rights violations [1]

Since early 2006, the Iraqi province, Diyala, is witnessing an unprecedented increase in human displacement and killings of people on an ethnic and sectarian basis. This seems to be a continuation of well-planned operations ongoing in the province since the US-led invasion in 2003.

The Iraqi authorities are covertly avoiding responsibility by claiming that this is the action of forces beyond the realms of the current law and continues to classify the cleansing as a terrorist act.

The authorities are fully aware that this is the action of 'Al Hashd Al-Shaabi' in English: ' Popular Mobilization Forces (PMF)' a militia well known for its association with the Iraqi government.

PMF forces act on orders of the government, carrying out operations alongside the Iraqi army, and in occasionally even commanding the Iraqi forces. Operating under the shadow of the government provides impunity from legal prosecution.

Evidence highlights the active participation of governmental organs in the implementation of this heinous crime. A crime fuelled with ethnic and religious motives.

The aggression is towards one group particularly, the (Sunni Arabs). This community is facing death, displacement and detention of hundreds of thousands of its members.

There are also widespread cases of house demolitions and looting. The burning and desecration of mosques, together with the humiliation and insult of imams and preachers is a clear policy that aims at deliberately degrading the dignity in front of the community and their peers. Underlining the fact that what is going on in Diyala undoubtedly is ethnic cleansing.

We (signatory NGOs to this statement) alongside Diyala natives view the government of Haider al-Abadi, of being legally responsible for the actions perpetrated.

Ethnic Cleansing

The UN "General Assembly resolution 47/121 referred in its Preamble to "the abhorrent policy of 'ethnic cleansing', as a form of genocide." It is in practice used, by reference to a specific region or area, to mean "rendering an area ethnically homogeneous by using force or intimidation to remove persons of given groups from the area."

The actions currently taking place in Diyal fully fulfils the criteria for an act of ethnic cleansing and by extension genocide. The situation remains very dire and if not acted upon immediately will be a disastrous stain on the reputation of the international community and most of all humanity. There is no crime more cruel and evil in this world than ethnic cleansing.

What is going on in Diyala province?

Today, the Diyala province is under the control of the Badr militia, the Saraya Al Salam militia (formerly Mahdi army militia) and Hezbollah. It has been that way since the defeat of ISIS last year.

---

[1] - This written statement is based on a longer version report submitted by our partner (Geneva International Centre for Justice-GICJ), in which it reflects its finding about the case of (Ethnic Cleansing in Diyala/Iraq) based on testimonies with victims, NGOs, eyewitnesses from the region, member of the Iraqi local authorities and members of the Iraqi Parliament. See: IRAQ: Ethnic and Sectarian Cleansing In Diyala, GICJ report: http://www.gicj.org/index.php?option=com_content&task=view&id=452&Itemid=41

Some parts of the province were under ISIS control for a brief period following its entry into Iraq in June 2014. The ISIS occupation resulted in many tragedies, horrors and violations.

The militias that now control the province took advantage of the instability and seized control of all resources available, preventing a large number of citizens, forced to leave under ISIS from returning to their homes.

Most of the citizens deprived from their right to return are residents of al-Muqdadiyah and the Sinsil Bassin, a geographical strip that includes more than 33 villages. Militias and security forces have expropriated their villages and looted their homes, leaving behind a destroyed society.

In the meantime, the destruction of mosques on sectarian basis and the senseless murder of many worshipers and religious leaders continue at the hands of the militias.

The events unfolding in al-Muqdadiyah are part of a systematic policy implemented by the Iraqi authorities through its affiliated militias that clearly aims to displace Sunni-Arab residents and provoke a forcible demographic change within the Province of Diyala.

Furthermore, the presence and involvement of Iranian general Qassem Suleimani, commander in chief of the Quds brigade, is clear evidence of an Iranian involvement.

Arbitrary Arrests: a method of intimidation.

Arbitrary arrests represent one chapter in the implementation of the crime of forced displacement. The governmental security forces, aid forced displacement via the use of collective arrests.

Victims are kept in over 30 places of detention. People subjected to these detention sites suffer from overcrowding, neglect and the spread of skin diseases amongst others. Detainees are subjected to the worst methods of brutal torture and degrading treatment towards human dignity, not to mention having to tolerate insults and verbal abuse on a daily basis, which go beyond insulting religious beliefs and clergy.

Implementation methods

The ethnic cleansing policy is implemented through the numerous militias active in Iraq - either acting individually or under the Al-Hashd Al-Shaabi umbrella.

The armed groups threaten citizens and use intimidation techniques to force residence to leave. The displaced, leave behind their land, homes and belongings.

Once residence are forced out militias come and systematically loot every house, often burning or destroying them in the process so that they become uninhabitable for their legitimate owners. Under another scenario, the houses are given to those who the militias decide will inhabit it as from that moment.

Testimonies confirm that some parliamentarians and political elements are clearly involved in exchange for political gains and profitable business deals.

This risky plan has the sole purpose of ensuring demographic change in the population. This represents a threat to the civil peace and security as it atomizes a volatile social fabric that has been previously damaged by decades of war and sanctions.

Forced displacement has been one of the main reasons for the protests and demonstrations that erupted in Diyala in 2013. The demonstrations were met with repressive policies enacted by the government and its agencies.

The brutality reached its peak with the Sarya mosque massacre on Friday the 17th of May 2013. 100 worshipers were either killed or wounded in the process. The massacre signalled a steady increase in violence. Power hungry leadership escalated sectarian bias.

Barwana massacre

Hadi al-Amiri, leader of the Badr Militia declared victory over ISIS in al-Muqdadiyah on the evening of Monday the 26th of January 2015. On the same evening, on orders of Qais al-Khaz'ali, Asa'ib Ahl al-Haq militia leader forces gathered people from surrounding towns and villages towards the village of Barwana.

Witnesses confirmed that fighters brought scores of men and boys by force from their homes, beating and insulting them whilst using terms of a sectarian nature. The victims were then divided into groups and gunned down from behind. 72 innocent civilians lost their lives in this single incident alone.

On the second week of January 2016, as a result of a bombing campaign, dozens of innocent people were killed in the same city of al-Muqdadiyah. Simultaneously militiamen were roaming the streets of the city using loudspeakers, shouting sectarian slogans, threatening the Sunni Arabs, ordering them to leave the city or find their death.

Later in the same week, the militias conducted mass executions on a sectarian basis. Violence did not stop and the violence extended to surrounding villages.

Reports indicate that the violence destroyed up to 13 mosques and left over 120 massacred. The victims were mainly young Sunni-Arab men.

Impunity

The Iraqi invasion and the following occupation led to the total destruction of the notion of justice. The rule of law is now replaced by a state of anarchy and sectarian violence.

The investigations, committees and inquiries led by the Iraqi authorities into crimes against humanity have yielded no tangible results. Taking into consideration that the invasion took place13 years ago.

We call upon the UN to immediately enact steps to launch an independent and impartial inquiry into the gross human rights violations in Iraq. The inquiry should be free of any government meddling and cover-ups.

The goal being to publish a report that is transparent and candid, enabling those guilty to be brought to justice and in turn assure that similar acts do not reoccur.

Recommendations

The NGOs signatory to this statement call upon the United Nations Human Rights Council and UNHCHR to immediately act on the following steps:

- The immediate dispatch of an international independent mission of inquiry, to investigate all violations stated in this report, and in those of other NGOs reports.
- Requesting that all human rights bodies (in the forefront of them the Office of the High Commissioner for Human Rights) to take all necessary measures that fall within its mandate, to put an end to this crime.
- Calling on member states of the United Nations to take all relevant steps within their power to ensure that those responsible are prosecuted for the above-mentioned crimes.

- Demanding the member states of the Human Rights Council to take all the necessary steps to appoint a Special Rapporteur for the human rights situation in Iraq.

***

The BRussells Tribunal, Arab Lawyers Association- UK, Geneva International Centre for Justice (GICJ), Association of Humanitarian Lawyers (AHL), The International League of Iraqi Academics (ILIA), The Iraqi Commission on Human Rights (ICHR), Women Will Association (WWA), Organization for Widows and Orphans (OWO), Ikraam Center for Human Rights, Belgian Peace Movement, Ligue camerounaise des droits de l'homme, International Coalition against War Criminals (ICAWC), Medical Aid for the Third World, Association of Iraqi Diplomats (AID), General Federation of Iraqi Women (GFIW), Association of Iraqi Intellectuals and Academics, The International Network of Arab Human Rights NGOs, The Perdana Global Peace Foundation, Kuala Lumpur Foundation to Criminalise War, Spanish Campaign against the Occupation and for Iraq Sovereignty- CEOSI, Arab Cause Solidarity Committee, Iraq Solidarity Association in Stockholm, Human Rights Defenders in Iraq (AHRDI), Centre for Human Rights and Democracy, The Iraqi Centre for Human Rights, Association, Organisation for Justice & Democracy in Iraq (OJDI), NGOs without consultative status, also share the views expressed in this statement.